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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,546	08/13/2001	Angelo Speranza	Rockco P32AUS	7144

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EXAMINER

TRAN, THUY VAN

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/928,546

Applicant(s)
Speranza

Examiner
Thuy V. Tran

Art Unit
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent-term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 13, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/13/01 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 & 5 20) ☐ Other:

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Reissue Applications

1. While there is concurrent litigation related to this reissue application, action in this reissue application will NOT be stayed because of applicant's request that the application be examined at this time. Due to the related litigation status of this reissue application, EXTENSIONS OF TIME UNDER THE PROVISIONS OF 37 CFR 1.136(a) WILL NOT BE PERMITTED.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “refrigerated self-propelled vehicle”, “an unrefrigerated self-propelled vehicle”, “dolly”, and “conveyor” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

3. The re-issue claims filed August 13, 2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the recitation “repositioning the rack within the receptacle”, found in claim 20, line 2.

Applicant is required to cancel the new matter in the reply to this Office action.

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Claim Objections

4. Claims 1, 12, 17 and 19 are objected to because of the following informalities:
- in claim 1, line 24, "form" should be --from--;
- in claim 12, line 2, "the transported the rack" should be --the transported rack--;
- in claim 17, line 2, "and" should be deleted; and
- in claim 19, line 2, "the transported the rack" should be --the transported rack--.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 7, 8, 14, 15 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recitation "using a trolley as the transfer vehicle... from the first location to the second location", found in claim 7, lines 4-6, contains new matter because, as disclosed in the originally filed specification, the rack is transported from the first location to the second location by a

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refrigerated vehicle, and at the second location, the rack is transported from the refrigerated vehicle to a trolley.

With regard to claim 14, the recitation “removing the rack from the receptacle prior to dispensing the plurality of trays” contains new matter because this recitation was not disclosed in the originally filed specification.

The recitation “repositioning the rack within the receptacle and collecting the plurality of trays with the rack in the receptacle following consumption by the consumer”, found in claim 20, lines 2-3, contains new matter because this recitation was not disclosed in the originally filed specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-12 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 2, the recitation “regenerating the apportioned food”, found in line 9, renders the claim indefinite because it is not understood what the “regenerating the apportioned food” is. In order to expedite the prosecution, and as best understood in light of the specification, the recitation “regenerating” will be examined as “rethermalizing”.

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Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Colato et al. 4,103,736.

Colato et al. '736 disclose a method of preparing and transporting food comprising the steps of preparing food at a first location; apportioning the prepared food onto a plurality of trays 14; loading the trays onto a manually maneuverable rack C, transporting the rack to a second location spaced from the first location by a refrigerated vehicle (column 2, lines 62-68); transferring the rack C into a movable receptacle Ca, heating and/or cooling the food while the trays 14 are supported by the rack C at the second location.

Re claims 1, 3-5, 18 and 20, Colato et al. '736 further disclose that when the meals on the trays have been consumed, the trays are return to the racks which are returned to the first location (column 2, lines 22-37).

Re claims 6-12, see column 1, line 45 to column 3, line 8.

11. Claims 2-8, and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stromqvist 3,261,650.

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Stromquist '650 discloses a plurality of methods of preparing, transporting and dispensing food from a food prepared location (kitchen) to a remote second location (consumers). See Figures 9-16, column 1, line 11 to column 2, line 15.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vernon 3,517,899, Naimoli 3,608,770 and Guibert separately discloses a process for preparing, transporting and serving food.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.



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TVT (TVT)

January 28, 2002